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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,625	11/13/2003	Hayo Jager	RSW920030164US1	2144
23550 7590 01/09/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER LAY, MICHELLE K	
			ART UNIT	PAPER NUMBER
			2628	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/712,625

Applicant(s)

JAGER ET AL.

Examiner

Michelle K. Lay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 10-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 05/01/2006 has been entered and made of record. Claims 1-3, 5-8, 10-14, and 16-19 are pending. Claims 4, 9, 15, and 20 have been cancelled.

Response to Arguments

Applicant's arguments filed 10/25/2006 have been fully considered but they are not persuasive. Applicant argues Kenyon in view of Tsuda fails to teach a *first calculation being performed when the node is in focus and a second calculation when the same node is not in focus*. Examiner respectfully disagrees. Referring to Fig. 23 of Tsuda, Tsuda teaches each of the n values of the nodes is the result of the summation of the n values of their child nodes. Thus, a calculation is performed based on the n values displayed by the child nodes and the result is displayed in the parent node [col. 9, lines 17-45]. Each node essentially performs a different calculation, based on its location degree of interest. Fig. 23 of Tsuda shows the calculations performed by the nodes in the regression tree diagram as dependent upon their relative position in the model. As can be seen, the root node of the diagram performs a calculation based upon child node values while the calculation of values performed by a lower hierarchical node are based upon their separate corresponding child node values. Therefore, while the root node performs a first calculation, the lower, non-root node performs a second calculation. Furthermore, with the root node of Tsuda being the node in focus of Kenyon, as the node in focus changes, the root node will change. As taught by Tsuda,

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each node essentially performs a different calculation, based on its location degree of interest. Therefore, moving the root node (i.e. focus node) to a child node (i.e. same node but not in focus), the same node will perform a different calculation based on its location degree of interest.

Applicant's arguments with respect to claims 1, 5, 7, 10, and 13 as rejected by Kenyon in view of Lobley have been considered but are moot in view of the new ground(s) of rejection. Kenyon in view of Tsuda now rejects claim 5, 7, and 13. In regards to claims 5 and 13, Kenyon teaches of a method and apparatus for providing automatic generation of information portfolios for a selected entity. Fig. 9 shows a hyperbolic tree displaying a geographical hierarchy according to a particular customer portfolio. By selecting any state and moving it to the center of the display, the entities which connect to the particular state can then be better viewed [col. 8, lines 62-65]. Therefore, a node of interest in the hyperbolic tree of Kenyon may be selected, thus allowing the user to better view the entities connected to the selected node.

In regards to claim 7, the parent nodes of Fig. 23 Tsuda perform calculations based on the values displayed by their child nodes and display the result of the calculation. Since each node performs calculations based on their children node, the highest parent node, e.g. No. 0 node of Fig. 23 implicitly uses the values of nodes No. 2, 13, 15, 16, etc. (i.e. grandchildren) since children nodes, No. 1 and 14 used their values for their calculations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1-3, 5-8, 10-14, and 16-19** rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon et al. (6,604,113) in view of Tsuda et al. (6,629,090).

Kenyon teaches the limitations of claims **1-3, 5-8, 10-14, and 16-19** with the exception of calculations being performed when nodes are in or out of focus. However, Tsuda teaches a data-analyzing device which calculates the data that is encompassed in the node.

In regards to claims **1, 10, and 16**, Kenyon teaches of a method and apparatus for providing automatic generation of information portfolios for a selected entity. Fig. 9 shows a hyperbolic tree displaying a geographical hierarchy according to a particular customer portfolio. By selecting any state and moving it to the center of the display, the entities which connect to the particular state can then be better viewed [col. 8, lines 62-65]. Therefore, a node of interest in the hyperbolic tree of Kenyon may be selected, thus allowing the user to better view the entities connected to the selected node.

Tsuda teaches of a device and method for analyzing data. Fig. 23 of Tsuda shows a screen display of a regression tree diagram containing a plurality of nodes. As can be seen in the figure, each of the nodes contains information regarding an evaluated statistical-value list. The n value located in the node notified as No. 0 is

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calculated as the sum of the n values for node No. 1 and node No. 14. Additionally, as can be seen by the rest of the nodes containing children nodes in Fig. 23, each of the n values of the nodes are the result of the summation of the n values of their child nodes. Thus, a calculation is performed based on the n values displayed by the child nodes and the result is displayed in the parent node [col. 9, lines 17-45]. Figs. 17-23 show multiple calculations can be performed, such as average value, and standard deviation [col. 11, lines 8-14]. Additionally, each node essentially performs a different calculation, based on its location degree of interest. Fig. 23 of Tsuda shows the calculations performed by the nodes in the regression tree diagram as dependent upon their relative position in the model. As can be seen, the root node of the diagram performs a calculation based upon child node values while the calculation of values performed by a lower hierarchical node are based upon their separate corresponding child node values. Therefore, while the root node performs a first calculation, the lower, non-root node performs a second calculation. Furthermore, the data analyzing method described in the above-explained embodiment can be realized by executing prepared programs with a computer such as a personal computer or workstation. These programs are stored in a computer-readable recording medium such as a hard disk, floppy disk, CD-ROM, MO, or DVD and then read out of the recording medium by a computer and executed. These programs can be distributed through the above recording medium or a network as transmission media [col. 19, line 64 – col. 20, line 5]. Therefore, Tsuda teaches an image visualization system and a program product stored on a recordable medium for performing the functions of the methods in the invention as described above.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Kenyon to include the calculations performed by Tsuda because the display of the calculations provides an efficient and accurate way to relay data information for analyzing purposes to the user rather than a visual model that only *depicts* the relationships of values with no exact values available to the user.

Furthermore, with the root node of Tsuda being the node in focus of Kenyon, as the node in focus changes, the root node will change. As taught by Tsuda, each node essentially performs a different calculation, based on its location degree of interest. Therefore, moving the root node (i.e. focus node) to a child node (i.e. same node but not in focus) the same node will perform a different calculation based on its location degree of interest.

In regards to claims 2, 11, and 17, Fig. 23 of Tsuda shows a plurality of nodes containing information regarding an evaluated statistical-value list. The nodes containing no children are all assigned values, while the nodes containing children are given values corresponding to calculations performed based on the values displayed by their child nodes. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claims 3, 12, and 18, Fig. 23 of Tsuda illustrates the calculations performed to generate the values in the nodes containing children are performed using values displayed by their child nodes in the display. Therefore, the values of the parent

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nodes are calculated by the values of their child nodes, which accordingly have a Degree of Interest level that is less than that of the parent node. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claim 5 and 13, Kenyon teaches of a method and apparatus for providing automatic generation of information portfolios for a selected entity. Fig. 9 shows a hyperbolic tree displaying a geographical hierarchy according to a particular customer portfolio. By selecting any state and moving it to the center of the display, the entities which connect to the particular state can then be better viewed [col. 8, lines 62-65]. Therefore, a node of interest in the hyperbolic tree of Kenyon may be selected, thus allowing the user to better view the entities connected to the selected node.

In regards to claim 6, the parent nodes of Fig. 23 Tsuda perform calculations based on the values displayed by their child nodes and display the result of the calculation. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claim 7, the parent nodes of Fig. 23 Tsuda perform calculations based on the values displayed by their child nodes and display the result of the calculation. Since each node performs calculations based on their children node, the highest parent node, e.g. No. 0 node of Fig. 23 implicitly uses the values of nodes No. 2, 13, 15, 16, etc. (i.e. grandchildren) since children nodes, No. 1 and 14 used their values for their

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calculations. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claims **8**, **14**, and **19**, the calculations performed by the nodes in the regression tree diagram in Fig. 23 of Tsuda, are dependent upon their relative position in the model. Node No. 16 is positioned so that its values correspond to the calculations performed on the values of nodes No. 17 and No. 18. Node No. 18 is positioned so that its values correspond to the calculations performed on the values of nodes No. 19 and No. 20. The same rationale for combining as applied to claim 1 is incorporated herein.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Friday 7:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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